

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Prohibition & Excise Department - CID, Cudapah District – Cr. No. 15/2003 U/s 324 r/w 34 IPC and Sec.3 (I) (X) 3 (2) (VII) of SCs / STs (POA) Act, 1989 of CID PS – Prosecution Sanction Orders against the Accused i.e, A-1 Shaik Karimulla, Excise SI, Rayachoti, A-2 N.Mallaiah @ Nallanna Excise PC, A-4 Gudinundal Ramanaiah Excise PC, Rayachoti and A-5 Gogati Bala Subbaiah, Excise PC, Rayachoti – Prosecution sanction orders - Issued – Acquitted by the Hon'ble Addl. Dist. Judge, Kadapa (SC/ST Cases) in SC.No.58/2011 – Further action dropped – Regularization of Suspension Period – Orders – Issued.

REVENUE (VIGILANCE-V) DEPARTMENT

G.O.Rt.No. 459

Dated:22.04.2014

Read the following:-

- Ref:- 1) From the Addl. Director General of Police, CID, A.P., Hyd.,
Lr.No.2725/C17/CID/2003, dt.4.02.2011 addressed to the
Chief Secretary to Government, A.P., Hyderabad.
- 2) G.O.Ms.No.242, Revenue (Vig.V) Department, dt.29.3.2011.
- 3) Govt. Memo No.27174/Vig.V(1)/2007-8, dt.08.07.2013.
- 4) From the CPE, A.P., Hyd., Lr.No.6595/2004/CPE/H1, dt.21.06.2013.
- 5) Representation of Sk. Kareemulla, Prohibition & Excise Sub-Inspector (Retd.),
dt.5.7.2013. along with the Judgment copy of
Hon'ble Additional District Judge, Kadapa (SC/ST Cases) in SC.No.58/2011
- 6) From the Additional DGP, CID, A.P., Hyd., C.No.2725/C-44/CID/PCR/2003,
dt.09.10.2013.
- 7) G.O.Rt.No.1741, Revenue (Vig.V) Department, dt.14.02.2014.
- 8) From the Commissioner of Prohibition & Excise, A.P., Hyd.,
Cr.No.6595/2004/CPE/H1, dt.14.02.2014.

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In the reference 1st read above, the Additional Director General of Police, Crime Investigation Department, Hyderabad had requested the Government to issue sanction of prosecution to prosecute the Accused Officers Viz., A-1 Shaik Karimulla, formerly Prohibition & Excise Sub-Inspector, Rayachoti (Retired), A-2 N. Mallaiah @ Mallanna Excise Constable, A-4 Gudinundla Ramanaiah, Excise PC, Rayachoti and A-5 Gogati Bala Subbaiah, Excise Police Constable, Rayachoti in a Court of Law, so as to enable the CID to file charge sheet against them on the allegation that they have abused and beaten up Sri M. Siddi Naik, Pandikunta Thanda, Kadapa, in connection with a case against him that he was in position of 20 liters of I.D. Liquor.

2. In the reference 2nd read above, after examining the above report, Government have accorded sanction of prosecution to prosecute the above said Accused Officers as requested by the Additional Director General of Police, CID, Hyderabad.

3. In the reference 5th read above, Sri Shaik Kareemulla, Prohibition & Excise Sub- Inspector has submitted that the Hon'ble Additional District Judge, Kadapa (SC/ST Cases) pronounced the judgment (on 01.03.2013) in SC.No.58/2011, acquitting the Accused Officers under section 235 (1) Cr.P.C. Sri Sk. Kareemulla, Prohibition & Excise Sub-Inspector (Retd.) has therefore requested the Government to drop further action against him and to treat suspension period from 20.02.2004 to 01.09.2004 as "on duty" and also to release remaining pensionary benefits sympathetically.

4. In the reference 6th read above, the Additional Director General of Police, A.P., Hyderabad while furnishing the judgment of the Hon'ble Additional District Judge, Kadapa (SC/ST Cases), has stated that the standing counsel cum Special Public Prosecutor, CID has opined that in this case main witnesses who are material witnesses to speak about the offence proper did not support the case of prosecution. The LW1 who is the victim also did not support the case of prosecution. Hence this is not a fit case to prefer an appeal.

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5. In the reference 7th cited, Government, after careful examination of the matter, have decided and issued orders to drop further action against Sri Shaik Kareemulla, formerly Prohibition & Excise Sub- Inspector (Retd.), as he was found not guilty for the offences & he was acquitted by the Additional District Judge, Kadapa (SC/ST Cases) in SC.No.58/2011. Simultaneously, the Commissioner of Prohibition & Excise, A.P., Hyderabad was requested to furnish his remarks on the regularization of suspension period of Sri Shaik Kareemulla, formerly Prohibition & Excise Sub-Inspector (Retd.), to Government for taking further action in the matter.

6. In the reference 8th cited, the Commissioner of Prohibition & Excise, A.P, Hyderabad has stated that the suspension period of the individual from 27.02.2004 to 21.07.2004 may be regularized under FR 54 B as the Government have dropped further action against the retired Prohibition & Excise Sub-Inspector.

7. Government, after careful examination of the matter, have decided & hereby order to regularize the suspension period of Sri Shaik Kareemulla, Prohibition & Excise Inspector (Retd.) from 27.02.2004 to 21.07.2004 as "on duty" under FR 54 (B), as he was acquitted by the Hon'ble Additional District Judge, Kadapa (SC/ST Cases).

8. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Prohibition & Excise, A.P., Hyderabad.

(with a request to furnish the served copy with dated signature)

Sri Shaik Kareemulla, Prohibition & Excise SI,

Through:- the Commissioner of Prohibition & Excise, A.P., Hyderabad.

Copy to :-

The Deputy Commissioner of Prohibition & Excise, Kurnool Division.

The Additional Director General of Police, Crime Investigation Department,
A.P., Hyderabad.

The Home (Legal.II) Department.

Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER